

(2026) 02 DEL CK 1716

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 5340 Of 2025 & Criminal
Miscellaneous Petition No. 23014 Of 2025

XXXXXXX

APPELLANT

Vs

State Nct Of Delhi And Anr

RESPONDENT

Date of Decision : 16-02-2026

Acts Referred:

Indian Penal Code, 1860 — Section 376

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section
3(2)(v)

Citation : (2026) 02 DEL CK 1716

Hon'ble Judges : Manoj Jain, J

Bench : Single Bench

Advocate : Lokesh Kumar Mishra, Abhishek Kaushik, Devansh Seghal, Haider
Khan, Shreya Thakur, Priyanka Dalal, Manas Rao, Aman Preet Singh, Kanwal Nain
Singh

Final Decision : Disposed Of

Judgement

Manoj Jain, J

1. These are two connected petitions.
2. BAIL APPLN. 1781/2025 has been filed by applicant-Brijesh Kumar whereby he seeks anticipatory bail in FIR No.529/2024 dated 24.11.2024 under Section 376 IPC and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, (SC/ST Act), registered at P.S. Dwarka North, Delhi.
3. When the abovesaid application was taken up by the Coordinate Bench of this Court on 08.05.2025, there was direction to applicant-Brijesh Kumar to join the investigation and it was also ordered that no coercive action be taken against him till next date of hearing.
4. Such order continues to be in operation.
5. Feeling aggrieved by the abovesaid order dated 08.05.2025, the concerned

complainant has filed a separate petition i.e. CRL.M.C. 5340/2025, thereby seeking cancellation of the abovesaid interim anticipatory bail granted to the applicant.

6. Much water has flown down the river as, admittedly, charge-sheet and supplementary charge-sheet have already been filed.

7. Learned counsel for the complainant submits that since applicant-Brijesh Kumar had prayed for anticipatory bail before this Court claiming that no offence under Section 3(2)(v) of SC/ST Act was made out and also contended that when the anticipatory bail was pending before the Court of Session, the protection was given to him and shown his inclination to join investigation as and when so directed, the interim relief was given to him. He contends that though interim relief had been given, there was no specific observation, either way, with respect to the alleged commission of offences.

8. Learned APP for the State also submits that charge-sheet has already been filed and cognizance has already been taken and the next date of hearing before the learned Trial Court is 21.02.2026, when it would hear arguments on charges.

9. Learned counsel for the complainant submits that after the abovesaid interim relief was granted, the applicant/accused-Brijesh Kumar assaulted and intimidated complainant, which incident has resulted in registration of another FIR i.e. FIR No. 257/2025 at P.S. Dwarka South. He submits that in the abovesaid subsequently registered FIR, the police has yet not filed any charge-sheet and the applicant-Brijesh Kumar has already filed a quashing petition which is pending adjudication before Coordinate Bench of this Court.

10. Since the abovesaid quashing petition is, reportedly, pending, it will not be appropriate for this Court to make any comment or observation with respect to the incident which resulted in registration of abovesaid FIR i.e. No. 257/2025.

11. During course of the arguments, learned counsel for the complainant submitted that he would be left with no grievance if this Court clarifies that the question of commission of offences shall be looked into by the learned Trial Court at the time of consideration of charges, without getting influenced by the order whereby the applicant- Brijesh Kumar had been granted interim relief. Learned counsel for the complainant, thus, submits that he would not press for any other relief, if the said aspect is clarified.

12. Mr. Lokesh Kumar Mishra, learned counsel for the applicant-Brijesh Kumar submits that he would have no objection to the above.

13. Keeping in mind the overall facts and above contentions and also appreciating the fact that, even otherwise, there is no observation, either way, regarding commission or non-commission of offences, both the abovesaid petitions stand disposed of in the following terms:-

i. CRL.M.C. 5340/2025 is disposed of as not pressed. However all rights and

contentions of the complainant and accused are left open.

ii. Interim order dated 08.05.2025 is made absolute and applicant-Brijesh Kumar would submit personal bond and surety bond in a sum of Rs.25,000/- each before the learned Trial Court on the date already fixed i.e. 21.02.2026.

iii. Learned Trial Court would hear arguments on charge, without being influenced by the relief granted to applicant-Brijesh Kumar and it will be entirely upto to the learned Trial Court to consider as to what charges are made out. Let the charges be ascertained, after giving due opportunity of hearing to prosecution, defence and complainant.

14. Both the petitions stand disposed of in aforesaid terms.

15. A copy of this order be sent to learned Trial Court for information.